



CITY COUNCIL AGENDA REPORT

MEETING DATE: AUGUST 1, 2006

ITEM NUMBER: VI-8

SUBJECT: AGREEMENT BETWEEN CITY OF COSTA MESA AND AMERICAN SOCIETY OF COMPOSERS, AUTHORS AND PUBLISHERS

DATE: JULY 24, 2006

FROM: ADMINISTRATIVE SERVICES DEPARTMENT/RECREATION DIVISION

PRESENTATION BY: JANA RANSOM, RECREATION MANAGER

FOR FURTHER INFORMATION CONTACT: JANA RANSOM AT (714) 754-5654

RECOMMENDATION

Authorize the City Manager or his designee to sign the Agreement with the American Society of Composers, Authors and Publishers ("ASCAP"), located at 2690 Cumberland Parkway, Suite 490, Atlanta, GA 30339, granting City license to perform, or have performed on its behalf, live or mechanical music from the ASCAP repertory.

BACKGROUND

The City currently puts on live music concerts and plays "mechanical" music in several contract class and staff-taught programs. ASCAP contacted the City to request that the City comply with licensing laws that allow the music copyright industry to collect fees for the privilege of playing music from their repertory.

ANALYSIS

A recent survey conducted by the City of Bellflower showed that most Los Angeles and Orange County cities have agreed to the ASCAP license agreement (see Attachment 1) and have paid fees according to the events and programs offered. The rate schedule for the license (Attachment 2) includes an annual fee based on population which covers general programming, such as contract classes and afterschool programs. An additional fee is charged for those events where admission fee is collected.

ALTERNATIVES CONSIDERED

The City Council could choose not to enter into the ASCAP license agreement. ASCAP has indicated that they may litigate cities that hold live music events and play music in programs.

FISCAL REVIEW

Sufficient funding is available in the Special Recreation Events account (40244) to cover the annual fee of \$897 (Attachment 3).

LEGAL REVIEW

Legal has reviewed the documents and approved them as to form.

CONCLUSION

Approving the license agreement with ASCAP will allow the City to continue to hold live music events and play music during programs that fall under the ASCAP copyrighted repertory.

STEPHEN N. MANDOKI
Director of Administrative Services

JANA M. RANSOM
Recreation Manager

KIMBERLY HALL BARLOW
City Attorney

MARC R. PUCKETT
Director of Finance

Attachments: 1. [License Agreement](#)
 2. [Rate Schedule](#)
 3. [Invoice](#)